

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Case No. 2:17-cr-00124-JAD-EJY

Plaintiff,

**ORDER**

v.

DAMIEN NORRIS,

Defendants.

Pending before the Court is Defendant Damien Norris' Request for Grand Jury Transcripts Under Rule 6(e). ECF No. 537. A review of the docket in this matter reveals that Mr. Norris' case has concluded. That is, the United States Court of Appeals for the Ninth Circuit issued a decision on December 11, 2020 finding no merit to the issue presented on appeal. ECF No. 516. On January 4, 2021, the United States Court of Appeals for the Ninth Circuit issued a Mandate stating the Court's judgment entered on December 11, 2020 took effect as of that date. ECF No. 519.

In previous motion practice before this Court, Mr. Norris requested various documents from his former counsel. On January 28, 2021, Julian Gregory, then counsel for Defendant, filed a Status Report stating that he had provided to Mr. Norris all filed transcripts in his case. ECF No 522. To the extent Mr. Norris sought his entire case file for purposes of commencing habeas proceedings under 28 U.S.C. 2255, Mr. Gregory stated he would attempt to provide the same; however, the volume of documents was prohibitive. Mr. Norris now asks for grand jury transcripts.

In determining whether disclosure of grand jury transcripts is appropriate, the Ninth Circuit Court of Appeals has directed district courts to consider the following: (1) whether the desired material will avoid a possible injustice; (2) whether the need for disclosure is greater than the need for continued secrecy; and (3) that only the relevant parts of the transcripts should be disclosed. *United States v. Plummer*, 941 F.2d 799, 806 (9th Cir. 1991). Mere speculation that improprieties occurred before the grand jury is inadequate to establish a particularized need. *United States v. Walczak*, 783 F.2d 852, 857 (9th Cir. 1986) (upholding denial of disclosure of grand jury transcripts,

1 and holding that a defendant's desire to show that the grand jury did not have sufficient evidence to  
2 prosecute and to evaluate officer testimony did not constitute a particularized need). In this case,  
3 Mr. Norris offers nothing other than his speculation as the basis for seeking disclosure of grand jury  
4 transcripts.

5 Accordingly, IT IS HEREBY ORDERED that Defendant Damien Norris' Request for Grand  
6 Jury Transcripts (ECF No. 537) is DENIED.

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8 Dated this 2nd day of September, 2021.

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11 ELAYNA J. YOUCHAK  
12 UNITED STATES MAGISTRATE JUDGE  
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